

## PATENT COOPERATION TREATY

Re: PCT/PTO

05 JUL 2005

From the:  
INTERNATIONAL SEARCHING AUTHORITY

10/541437

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:  Buchanan, Elspeth Victoria 61 Cambridge Terrace Christchurch New Zealand
---

Date of mailing (day/month/year)	- 7 APR 2004
-------------------------------------	--------------

Applicant's or agent's file reference 12386	<b>FOR FURTHER ACTION</b> See paragraph 2 below
--	--

International application No. <b>PCT/NZ2004/000019</b>	International filing date (day/month/year) 2 February 2004	Priority date (day/month/year) 31 January 2003
---	---	---

International Patent Classification (IPC) or both national classification and IPC Int. Cl. <sup>7</sup> F25D 017/08
--

Applicant  SKOPE INDUSTRIES LIMITED et al
---

## 1. This opinion contains indications relating to the following items:

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input checked="" type="checkbox"/> | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |

## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

## 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  <b>GREGORY DIVEN</b> Telephone No. (02) 6283 2992
---	--

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/NZ2004/000019**

**Box No. I      Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. **type of material**  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. **format of material**  
☐ in written format  
☐ in computer readable form
  - c. **time of filing/furnishing**  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. **Additional comments:**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/NZ2004/000019**

**Box No. V**      **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	<b>YES</b>
	Claims 1-6	<b>NO</b>
Inventive step (IS)	Claims	<b>YES</b>
	Claims 1-6	<b>NO</b>
Industrial applicability (IA)	Claims 1-6	<b>YES</b>
	Claims	<b>NO</b>

**2. Citations and explanations:**

JP 11-159937 A (Okamura Seisakusho KK)  
JP 10-185406 A (Samsung Electronics Co Ltd)  
JP 05-332665 A (Sanden Corp)

**Novelty (N) and Inventive Step (IS)**

Claims 1-6 do not meet the criteria set forth in PCT Article 33(2) for novelty. The citations listed above all show refrigeration cabinets possessing ducts with a plurality of outlets where the ducts are of substantially constant width, possessing a fan for blowing cold air through the duct. The outlets ensuring cold air is released into the cabinet are at approximately the same level as each shelf or fridge area.

Claims 1-6 also lack an inventive step for the reasons given above.

**Industrial Applicability (IA)**

Claims 1-6 meet the criteria set out in PCT Article 33(4) for industrial applicability.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/NZ2004/000019

Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)

<u>Application No. Patent No.</u>	<u>Publication date (day/month/year)</u>	<u>Filing date (day/month/year)</u>	<u>Priority date (valid claim) (day/month/year)</u>
P, X	JP 2003-240407 A	12 February 2002	12 February 2002
P, X	JP 2003-240408 A	14 February 2002	14 February 2002

Each of these documents disclose the features of claims 1-6. See the abstracts and diagrams.

2. Non-written disclosures (Rules 43bis.1 and 70.9)

<u>Kind of non-written disclosure</u>	<u>Date of non-written disclosure (day/month/year)</u>	<u>Date of written disclosure referring to non-written disclosure (day/month/year)</u>